

Application No.: 10/026,171
Response dated: February 23, 2006
Reply to Office Action of June 3, 2003

REMARKS

Reconsideration of the present claims, in light of the above claim clarifications and the Remarks which follow, is respectfully requested.

Claims now before the Examiner are 1, 3, 5-12, 14-22 and 24 -35.

Support for the amendments to the claims is found as follows:

claim 1, claim 23 as filed; claim 6, claim 23 as filed; claim 8, claim 23 as filed; claim 10, claim 23 as filed; claim 14, claim 23 as filed; claim 21, claim 23 as filed; claim 24, change in dependency; claims 27, 28, 29, 34 clarification of steps from original claims; claim 30, claim 23 as filed; and claim 35, claim 23 as filed.

Applicants and Applicants' Agent thank the Examiner for the Interview granted February 2, 2006.

As discussed in the Interview, Applicants are submitting herewith, a Declaration under 37 CFR § 1.132, showing that a bridged metallocene reacted with an alumoxane at a temperature above 60°C or combined and heated to the same temperature, has a substantial beneficial effect compared to the same metallocene and alumoxane not heated (reacted at 25°C, as in the cited documents), during subsequent polymerization.

The numbering in this Response will follow that of the Examiner's Action.

1. No response necessary.

Claim Objections

2. Claims 5, 9, 23, 24 and 26 are objected to. All of the Examiner's Objections have been addressed. Withdrawal of the Objections is respectfully requested.

Rejections under 35 USC § 102

3. & 4. *Claims 1-7, 10-12, 14-16 and 18-25 stand rejected under 35 USC §102 (b) as anticipated by WO 96/35729 (Razavi I).*

Razavi I does not disclose "...first heating a composition comprising a metallocene catalyst compound to a temperature of from 75°C to 125°C..." as in present claim 1; or "...60°C to 125°C..." as in present claims 6, 8, 14, and 27-29, or "...60°C to

1999U024.D1.US.111.2.22.06.doc

Application No.: 10/026,171
Response dated: February 23, 2006
Reply to Office Action of June 3, 2005

110°C..." as in present claims 10 and 21, or "65°C to 125°C..." as in present claim 30, or "65°C to 75°C" as in present claims 34 and 35. Absent such disclosure, no Anticipation exists.

5. Claims 1-7, 10-12, 14-16 and 18-24 stand Rejected under 35 USC §102(e) as anticipated by US 5,914,289 (Razavi II).

Applicants maintain that Razavi II does not disclose heating the metallocene and activator to temperatures above 50°C. Absent such disclosure, no Anticipation exists.

Withdrawal of the Rejections is respectfully requested.

Rejection Under 35 USC § 103

6. Claims 1-12 and 14-35 stand Rejected under 35 USC § 103(a) as Obvious over either of Razavi I and Razavi II.

As discussed in the Interview of February 2 and in the Declaration submitted concurrently with this Paper, Applicants have found significant benefit in terms of reduced fouling and/or increased catalyst efficacy achieved by the heating of the combination of metallocene and activator above 60°C. Applicants are skilled catalyst chemists and engineers, with decades of experience and they found this (heating of metallocene and activator above 60°C) to have unexpected and surprising results on the fouling tendency and efficacy. As discussed in the Interview, two catalyst preparations were completed, one using the method of Razavi, the other the claimed method. Of note in the results of those polymerizations conducted recently are the moderate to severe fouling that occurs during polymerization using the Razavi catalyst preparation method, and that such fouling is unacceptable and very costly on a commercial basis.

Absent any disclosure or suggestion in Razavi I to a higher temperature (as in the present claims) for the metallocene/alumoxane reaction or reaction product, and absent any motivation from Razavi (I or II) to increase the metallocene alumoxane reaction temperature, the claims are not rendered Obvious by Razavi I or II. Withdrawal of the Rejections is respectfully requested.

7.-9. No response necessary.

Application No.: 10/026,171
Response dated: February 23, 2006
Reply to Office Action of June 3, 2005

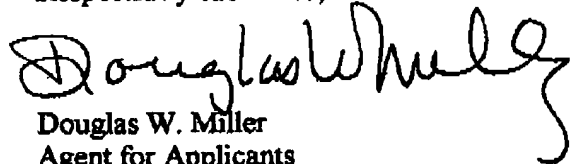
The claims are in condition for allowance.

Note is made that the correspondence should be sent to:

Douglas W. Miller
In representation of Univation Technologies, LLC
c/o Maureen M. White
5555 San Felipe, Suite 1950
Houston, Texas 77056
Facsimile: 713.892.3687

However the telephone number for Douglas W. Miller is (409) 763-4200.

Respectfully submitted,



Douglas W. Miller
Agent for Applicants
Registration No. 36,608

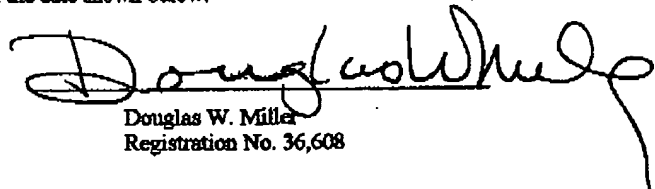
Southwest Patent Services
305 21st Street, Suite 249
Galveston, Texas 77550
(409) 763-4200

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

2/23/06

Date



Douglas W. Miller
Registration No. 36,608